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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,361	07/10/2000	Jay S. Walker	96-139XX	9450

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EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3624

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,361

Applicant(s)

WALKER ET AL.

Examiner

Ella Colbert

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 70-79 and 81-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70-79 and 81-90 is/are rejected:
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 27 September 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 70-79 and 81-90 are pending. Claims 70, 73, 76, 77, 81, and 83 have been amended in this communication filed 12/02/04. The IDS filed 11/10/04 has been considered.
2. The 35 U.S.C. 101 rejection for claims 70-75 and 81-90 has been overcome and is hereby withdrawn.
3. The 35 USC 112 second rejection of claims 78 and 79 is hereby withdrawn in view of Applicants' convincing arguments.

Claim Objections

4. Claims 70, 73, 81, and 83 are objected to because of the following informalities: Claim 70 recites "A method for issuing a gift certificate". The preamble of the claim should read "A computerized method" or "A computer-implemented method". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 70-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,909,673) Gregory in view of (US 5,377,271) Foreman et al, hereafter Foreman.

With respect to claims 70, 73, 76, 77, 78, and 79, Gregory teaches, A method for issuing a gift certificate corresponding to a financial account, comprising the steps of: generating, by a computer, a certificate identifier corresponding to an account identifier that is associated with a financial account, said certificate identifier being different from said account identifier (col. 5, lines 64-67 and col. 6, lines 1-17); producing a gift certificate including thereon said certificate identifier (col. 6, lines 31-39); and distributing said gift certificate to an owner of said financial account (col. 5, lines 56-63).

Gregory failed to teach, said gift certificate not including said account identifier.

Foreman teaches, said gift certificate not including said account identifier (col. 7, lines 3-19, fig. 9, and fig. 10 –shows security code numbers for the money order). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have gift certificate not include an account identifier and to modify in Gregory because such a modification would allow Gregory to have an internal controller and operator security that can be programmed for varying security levels.

With respect to claims 73, 77, and 79 Gregory further teaches, a computer means (fig. 1 (12)) and distributing said gift certificate to a recipient (col. 10, lines 21-32).

With respect to claims 76 and 78, Gregory teaches, means for distributing said gift certificate to an owner of said financial account (col. 5, lines 56-63).

With respect to claims 71 and 74, Gregory teaches, The method of claim 70 wherein the financial account identifier cannot be discerned from the gift certificate identifier by a third party (col. 6, lines 18-22 and lines 31-39 and col. 8, lines 45-53).

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With respect to claims 72 and 75, Gregory teaches, The method of claim 70, further including the steps of: receiving an indication of a gift certificate redemption (col. 9, lines 50-59); and updating stored account data to reflect the redemption (col. 10, lines 46-55).

With respect to claim 81, A method comprising: Gregory teaches, producing a gift certificate (col. 21, line 58-col. 22, line 50 and fig. 5B); and

in which the account identifier identifies a credit card account; and distributing the gift certificate to an owner of the credit card account (col. 17, lines 33-65).

Gregory failed to teach, the gift certificate including a sixteen-digit identifier, in which the sixteen-digit certificate is an alias of an account identifier that identifies a financial account. Foreman teaches, the gift certificate including a sixteen-digit identifier (col. 7, line 31- col. 8, line 58), in which the sixteen-digit certificate is an alias of an account identifier that identifies a financial account (col. 8, lines 16-40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the gift certificate including a sixteen-digit identifier, in which the sixteen-digit certificate is an alias of an account identifier that identifies a financial account and to modify in Gregory because such a modification would allow Gregory to have a special program generated security numerical indicia defined by a printed character on an unprinted background.

With respect to claims 82 and 84, Gregory teaches, in which the gift certificate is for a single use (col. 5, line 56-col. 6, line 16).

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With respect to claim 83, Gregory teaches, A method comprising: determining stored account data associated with a financial account (col. 5, line 64-col. 6, line 8), in which the account data includes an account identifier that identifies the financial account (col. 6, lines 2-15). Gregory failed to teach, generating an alias identifier that provides an indirect link to the financial account, in which the alias identifier is different from the account identifier; producing a gift certificate, the gift certificate including the alias identifier; and providing the gift certificate to a recipient. Foreman teaches, generating an alias identifier that provides an indirect link to the financial account, in which the alias identifier is different from the account identifier; producing a gift certificate, the gift certificate including the alias identifier; and providing the gift certificate to a recipient (col. 6, lines 26-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to generate an alias identifier that provides an indirect link to the financial account, in which the alias identifier is different from the account identifier; producing a gift certificate, the gift certificate including the alias identifier; and providing the gift certificate to a recipient and to modify in Gregory because such a modification would allow Gregory to have a predetermined number sequence corresponding to the serial number of a particular money order form (gift certificate) which is considered an alias identifier.

With respect to claim 85, this dependent claim is rejected for the similar rationale as given above for claims 70, 73, and 76-79.

With respect to claim 86, this dependent claim is rejected for the similar rationale as given above for claim 81.

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With respect to claim 87, Gregory teaches, The method of claim 83, in which the recipient is an owner of the financial account (col. 17, lines 10-65).

With respect to claim 88, Gregory and Foreman failed to teach, The method of claim 83, in which the financial account is a credit card account, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the financial account to be a credit card account because the gift certificate purchaser will have to use some form of payment for the purchase of the gift certificate. A credit card account is a design choice as a method of payment.

With respect to claim 89, Gregory teaches, The method of claim 83, in which the financial account is a checking account (col. 1, lines 49-59).

With respect to claim 90, Gregory teaches, The method of claim 83, in which the gift certificate comprises at least one of: a paper certificate (col. 17, lines 52-65 and fig. 6), a stored value card (col. 1, lines 49-59). Gregory and Foreman failed to teach, a magnetic stripe card but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a magnetic stripe card and to modify in Gregory because such a modification would allow Gregory to have a card that contains a dollar amount limit and when swiped deducts a dollar amount from the card.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jovicic et al (US 5,855,007) disclosed generating and redeeming product discount coupons.

Tran et al (US 5,440,108) disclosed dispensing and revaluing cash cards.

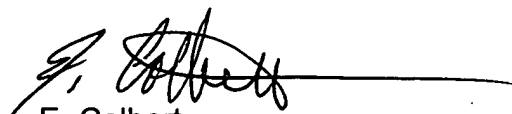
Buckley et al (US 6,036,472) disclosed a machine for vending personalized products.

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert
February 19, 2005